

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH MICHAEL STROHL

v.

JAMES L. GRACE, *et al.*

)
) **CIVIL ACTION**

)
) **HABEAS CORPUS**

)
) **No. 06-2708**

**MOTION OF RESPONDENT
DISTRICT ATTORNEY OF NORTHAMPTON COUNTY
FOR EXTENSION OF TIME
TO FILE RULE 5 ANSWER**

Respondent, District Attorney of Northampton County, files the within Motion for Extension of Time to File Rule 5 Answer and in support thereof avers as follows:

1. On or about June 21, 2006, Petitioner Joseph Michael Strohl filed a Petition for Writ of Habeas Corpus in the United States District Court for the Eastern District of Pennsylvania, with same being docketed to No. 06-2708.

2. On or about July 11, 2006, the Honorable Carol Sandra Moore Wells, United States Magistrate Judge, Eastern District of Pennsylvania, entered an Order directing that the District Attorney of Northampton County be added as a party respondent; that the caption be amended accordingly; that the District Attorney of Northampton County file specific and detailed answers within 20 days, and that the Clerk of Court - Criminal of the Court of Common Pleas of Northampton County assemble and file the state court record with the Clerk of the United States District Court for the Eastern District of Pennsylvania.

3. The undersigned counsel, an Assistant District Attorney for Respondent District Attorney of Northampton County, received the above-referenced Order of the Honorable Carole Sandra Moore Wells, United States Magistrate Judge, Eastern District of Pennsylvania, on July 24, 2006.

4. The undersigned counsel, an Assistant District Attorney for Respondent District Attorney of Northampton County, received a complete facsimile copy of the Petition for Writ of Habeas Corpus on July 26, 2006, with same having been graciously furnished by a Deputy to the Honorable Carole Sandra Moore Wells, United States Magistrate Judge, Eastern District of Pennsylvania.

5. Under the terms of the Order entered on or about July 11, 2006, the time within which Respondent District Attorney of Northampton County is to file an answer to the Petition for Writ of Habeas Corpus will expire on July 31, 2006.

6. The state court prosecution of Petitioner Joseph Michael Strohl involved protracted and voluminous proceedings including, but not limited to, investigative grand jury proceedings, pretrial proceedings, trial proceedings, direct appeal proceedings, state post-conviction proceedings and appellate proceedings stemming from the state post-conviction proceedings.

7. Preparation of a complete and proper answer in accordance with the dictates of Rule 5 will require substantial time in that the entire state court record must be assembled, reviewed and evaluated to address the allegations in the Petition and to determine whether any claim in the Petition is barred by a

failure to exhaust state remedies, a procedural bar, non-retroactivity or a statute of limitations.

8. Preparation of a complete and proper answer in accordance with the dictates of Rule 5 will require substantial time in that the entire state court record must be assembled, reviewed and evaluated to permit complete identification and submission of necessary transcripts and Rule 5(d) materials.

9. It is anticipated that preparation of a complete and proper answer in accordance with the dictates of Rule 5 will require approximately 90 days.

WHEREFORE, Respondent respectfully requests that this Honorable Court enter an Order GRANTING a 90 day extension of time within which to file a Rule 5 answer.

Respectfully submitted,

JOHN M. MORGANELLI
District Attorney

By:

ROBERT EYER
Assistant District Attorney
Supreme Court ID No. 66404
Office of the District Attorney
Northampton County
669 Washington Street
Easton, PA 18042
Telephone: (610) 559-3734
Fax: (610) 559-3035

